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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,708	08/10/2001	David A. Eatough	42390P11650	5800
8791	7590	06/28/2006	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			RYMAN, DANIEL J	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/927,708

Applicant(s)

EATOUGH ET AL.

Examiner

Daniel J. Ryman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-14 and 21-30 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☒ Claim(s) 1,6,10,11,28 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Examiner acknowledges Applicant's filing of an RCE on 5/15/2006.
2. Applicant's arguments with respect to claims 1 and 3-10 have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments, see Response, filed 5/15/2006, with respect to claims 11-14 and 21-30 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.

### ***Claim Objections***

4. Claim 1 is objected to because of the following informalities: in line 2 "router which is configured to not forward multicast traffic" should be "router, which does not forward multicast traffic," since the "configured to" language makes optional, but does not require, the recited limitation; in line 3, "and configured to" should be "and to" since the "configured to" language makes optional, but does not require, the recited limitation; in line 9, "element to perform" should be "element to potentially perform" since the network element will not perform the broadcast transmission if it is not selected to do so; in lines 10 and 13, "one of the set of subnets" should be "one subnet of the set of subnets" since there is not a plurality of sets of subnets recited in the claim; and in line 15, "another one of the set of subnets" should be "another subnet of the set of subnets". Appropriate correction is required.
5. Claim 6 is objected to because of the following informalities: in line 6, "representative of each one of the set of subnets" should be "representative of each

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subnet of the set of subnets” since the claim only recites a single set of subnets where “each one” implies multiple sets of subnets. Appropriate correction is required.

6. Claim 10 is objected to because of the following informalities: in line 8, “locally and that” should be “locally that”. Appropriate correction is required.

7. Claim 11 is objected to because of the following informalities: in line 4, “includes” should be “including”. Appropriate correction is required.

8. Claim 28 is objected to because of the following informalities: in line 4, “receiving an indication” should be “when the machine is selected as a domain representative, receiving an indication” since these steps will only be taken when the machine is the domain representative. Appropriate correction is required.

9. Claim 29 is objected to because of the following informalities: in line 4, “receiving a notification” should be “when the machine is not selected as a domain representative” since these steps will only be taken when the machine is not a domain representative. In addition, in line 8-9, “the network element transmitting” should be “the network element having transmitted”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 1 and 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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12. Claim 1 recites the limitation "the plurality of subnets" in line 7. In line 3, claim 1 recites that the network environment has "a plurality of switches, each switch [is] connected to a plurality of subnets." Thus, "the plurality of subnets" does not clearly demarcate which plurality of subnets to which it refers. Specifically, since there is a plurality of switches with each switch connecting to a plurality of subnets, in total there is a plurality of "plurality of subnets" with each "plurality of subnets" connecting to a particular switch. Thus, the limitation "the plurality of subnets" does not particularly point out one "plurality of subnets" out of the plurality of "plurality of subnets." Applicant should either amend the claim to designate a particular "plurality of subnets" or change line 7 from "discovering a set of subnets in the plurality of subnets" to "discovering a set of subnets of all of the subnets connected in the network environment".

13. Claim 6 recites the limitation "the sender's" in line 9. There is insufficient antecedent basis for this limitation in the claim. In line 8, claim 6 recites "evaluating a response from a first subnet representative of a first subnet". Line 9 recites that "the response indicates that the sender's subnet has an alias". It is unclear whether "the sender" refers to the "first subnet representative of a first subnet" or another device. If the "sender" and the "first subnet representative of a first subnet" are equivalent, then Applicant should amend all instances of "the sender" to read "the first subnet representative" (see claim 6, lines 9, 11 (2 instances), and 17; claim 7, line 6; and claim 9, line 4). Otherwise, Applicant should clearly indicate that "the sender" is a separate device and provide clear antecedent basis for "the sender."

***Allowable Subject Matter***

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14. Claims 1 and 3-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

15. Claims 11-14 and 21-30 are allowed.

16. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose or fairly suggest establishing an alias domain for a broadcast or multicast transmission by having a server send to network elements a message indicating a broadcast or multicast transmission, having the network elements return a response indicating whether or not the network element is part of a domain, and then establishing an alias domain based upon the responses.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel J Ryman  
Examiner  
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